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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,798	09/04/2003	Philip Houghton	15006US01	6962
23446 7590 06/05/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/654,798	Applicant(s) HOUGHTON ET AL.	
	Examiner BINH K. TIEU	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Heitmann (US. Pat. #: US 7,190,703).

Regarding claim 1, Heitmann teaches a system for transmitting time sensitive data (i.e., a system for synchronization of base stations as shown in figure 1) from at least a first node (i.e., base station BS1) to at least a second node (i.e., BS2) comprising a processor used to process at least a first time request (i.e., a time request message ZA1) and at least a second time request (i.e., a time request message ZA2), and to generate at least a first absolute time (i.e., up-to-date time information ZI1) and at least a second absolute time (i.e., up-to-date time information ZI2), respectively, for said at least a first node and said at least a second node (col.5, lines 6-24).

Regard claims 2-3, col.5, lines 37-40 and col.4-47.

Regarding claims 4-5, note col.4, lines 31-44.

Regarding claims 6, Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a telecommunication

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system comprising synchronizing said at least first and said at least second computing devices to an NTP server (i.e., the switching device or time information server synchronizing the base stations BS1 and BS2, col.5, lines 6-24 and col.5, line 57 through col.6, line 15).

Regarding claims 7-8 and 10, note col.4, lines 31-44.

Regarding claim 9, note col.4, line 65 through col.5, line 10.

Regarding claims 11, Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising:

requesting absolute time from an NTP server (i.e., sending a time request message to a switching device or time information server);

receiving said absolute time; and

inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least a first computing device to said at least second computing device (col.5, line 57 through col.6, line 15).

Regarding claims 12-15, note col.4, lines 31-44.

Regarding claims 16-17, note col.7, lines 9-47.

Regarding claim 18, Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising:

receiving absolute time requests from said at least first and at least second computing devices; and

transmitting said absolute time to said at least first and at least second computing devices; wherein said absolute time is used to synchronize said at least a first and at least a second computing devices (col.5, lines 6-24 and col.5, line 57 through col.6, line 15).

Regarding claim 19, Heitmann teaches a method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising:

requesting an absolute time from an NTP server;

receiving said absolute time; and

inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device (col.5, lines 6-24 and col.5, line 57 through col.6, line 15).

Regarding claim 20, note col.4, lines 31-44.

Regarding claims 21 and 24-25, note col.7, lines 9-47.

Regarding claim 22-23, note col.6, line 60 – col.7, line 3.

3. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Hostetter et al. (US. Pat. #: 5,450,395).

Regarding claim 28, Hostetter et al. ("Hostetter") teaches a method of improving the signal to noise ratio of voice band data comprising synchronizing one or more computing devices to an NTP server (col.1, lines 55-60).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Fischer et al. (US. Pat. #: 6975,655) teaches a method of controlling data sampling clocking of asynchronous network nodes in a frame-based communications network.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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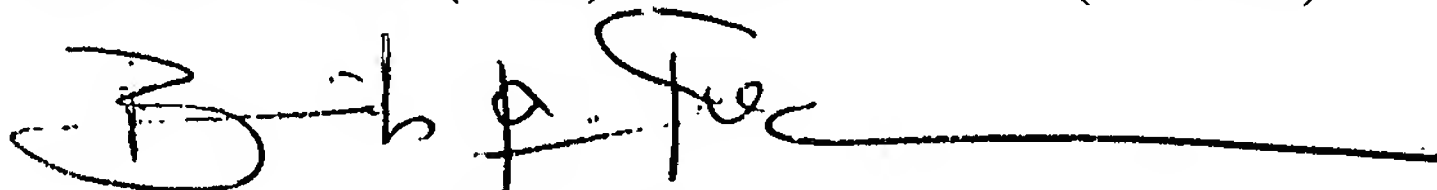
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BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: May 2007